

1 from Day 1; correct?

2 **THE WITNESS:** Correct.

3 **CHAIRMAN T. WHEELER:** You received
4 communication that she was living there, you saw
5 her physically with her kids?

6 **THE WITNESS:** I would see them come and go,
7 yes.

8 **CHAIRMAN T. WHEELER:** You're on site;
9 right?

10 **THE WITNESS:** Yes.

11 **CHAIRMAN T. WHEELER:** All right. At least
12 from your standpoint -- you're an employee of
13 Mr. Keck's operation; correct?

14 **THE WITNESS:** Correct.

15 **CHAIRMAN T. WHEELER:** I mean, Executive
16 Homes. So there was no doubt in your mind that
17 Michelle Quigley-White was living at that
18 address?

19 **THE WITNESS:** Correct.

20 **CHAIRMAN T. WHEELER:** And you knew from the
21 day they walked into your office that the
22 intent -- it was your office; right?

23 **THE WITNESS:** Correct.

24 **CHAIRMAN T. WHEELER:** That was your
25 handwritten note that she and Mr. White had

1 walked in; correct?

2 **THE WITNESS:** Yes.

3 **CHAIRMAN T. WHEELER:** You knew the intent
4 was that she would live in that property?

5 **THE WITNESS:** Correct.

6 **CHAIRMAN T. WHEELER:** Why isn't she on this
7 lease?

8 **THE WITNESS:** Again, that was handled
9 through Jeff Keck and Charlie.

10 **CHAIRMAN T. WHEELER:** But you knew for a
11 fact she was living in the house with her kids?

12 **THE WITNESS:** Yes.

13 **CHAIRMAN T. WHEELER:** That's all I have.
14 Anything from Petitioner?

15

16 **FURTHER REDIRECT EXAMINATION**

17 **QUESTIONS BY MS. KAREN CELESTINO-HORSEMAN:**

18 **Q** You said that -- in response to a question, you
19 said that -- when you were asked about Michelle
20 living there, you said you saw the -- you
21 assumed that because you saw them coming and
22 going, Michelle and the children; correct?

23 **A** Correct.

24 **Q** You also saw Charlie coming and going, too, as
25 well, didn't you?

1 **A** Correct.

2 **Q** So that's just as much a basis to assume that he
3 was living there, as Michelle was living there?

4 **A** Correct.

5 **CHAIRMAN T. WHEELER:** Is that it for the
6 Petitioner's side?

7 **MS. K. CELESTINO-HORSEMAN:** Yes.

8 **CHAIRMAN T. WHEELER:** Mr. Bopp?

9 **MR. J. BOPP:** No.

10 **CHAIRMAN T. WHEELER:** Commissioners?

11 *(No response.)*

12 **CHAIRMAN T. WHEELER:** You're excused.

13 **MR. J. BOPP:** She's leaving.

14 **MS. K. CELESTINO-HORSEMAN:** Mr. Chairman,
15 we rests, subject to rebuttal.

16 **CHAIRMAN T. WHEELER:** I think we're
17 releasing all of the witnesses, so you may have
18 a problem with your rebuttal. Mr. Bopp, it's
19 your case.

20 **MR. J. BOPP:** Could -- could we have five
21 minutes?

22 **CHAIRMAN T. WHEELER:** Sure, let's take ten
23 minutes.

24 **MR. J. BOPP:** Okay.

25 *(A recess was taken.)*

1 **CHAIRMAN T. WHEELER:** I'll call the
2 commission meeting back to order. The
3 Petitioners have rested. The Respondents will
4 now begin their case-in-chief. Mr. Bopp, call
5 your first witness, please.

6 **MR. J. BOPP:** Michelle White.

7 **CHAIRMAN T. WHEELER:** Mr. Palmer.

8
9 **MICHELLE QUIGLEY-WHITE,** a witness called on
10 behalf of the Respondent, having been first duly
11 sworn by the Recount Director, took the stand and
12 testified as follows:

13 **CHAIRMAN T. WHEELER:** Let me ask a
14 preliminary question, and I'm going to probably
15 defer to Commissioner Pylitt on this, but at
16 this point in time, is it my understanding the
17 Grand Jury has been released?

18 **MR. C. BRIZZI:** No, sir, it's inactive.
19 The term has been extended through August 8th.
20 There's an August 8th trial date.

21 **COMMISSIONER MEMBER B. PYLITT:** The
22 Grand -- the Hamilton County Special Grand Jury
23 has been extended?

24 **MR. C. BRIZZI:** Until August 15th.

25 **CHAIRMAN T. WHEELER:** All right, Mr. Bopp.

1 MR. J. BOPP: Thank you.

2

3 **DIRECT EXAMINATION**

4 **QUESTIONS BY MR. JAMES BOPP, JR.:**

5 Q Michelle, state your full name, please?

6 A Michelle Quigley-White.

7 Q And where do you reside?

8 A Overview Drive, 13086.

9 Q Okay. And who do you reside there with?

10 A My husband, Charlie White.

11 Q And who else?

12 A My children, McKayla, and our boys about
13 50 percent of the time.

14 Q And how old is McKayla?

15 A She's 14.

16 Q And William lives there about half the time?

17 A Uh-huh.

18 Q And that is Charlie's son?

19 A Yes.

20 Q And how old is William?

21 A He's ten.

22 Q And when did you meet Charlie White?

23 A That was middle of November of '08.

24 Q And where were you living at the time?

25 A Farragut Circle.

1 Q And who did you reside there with?

2 A With my family, my parents.

3 Q And that's your parents' address?

4 A Yes.

5 Q And do you also have a business there?

6 A I do.

7 Q And what is that?

8 A Aesthetics and I sell skin care as well.

9 Q Now did things develop such that you dated
10 Charlie White, who became your boyfriend?

11 A Yes.

12 Q And then on June 5th, were you engaged?

13 A Yes.

14 Q And when you became engaged on June 5th, what
15 was your intention, in terms of getting married,
16 when did you think that would happen?

17 A It was never determined, but we had an
18 understanding that we would not live together
19 before marriage because of the children.

20 CHAIRMAN T. WHEELER: Let me ask, you used
21 the word June 5th, I assume that's 2009?

22 MR. J. BOPP: 2009, thank you.

23 Q Eventually, you all -- the testimony has been
24 that you all looked in August -- I'm sorry, in
25 September at a condominium on Overview?

1 **A** Uh-huh.

2 **Q** And were you all looking for a marital
3 residence?

4 **A** We were, yes.

5 **Q** And ultimately, that Overview condominium was
6 leased by Charlie White?

7 **A** Correct.

8 **Q** And -- and ultimately purchased by him; is that
9 right?

10 **A** Correct.

11 **Q** Now when the lease was completed in the middle
12 of November 2008, did you move into the Overview
13 condominium at that time?

14 **A** Yes, I did.

15 **Q** Did you move in with your daughter?

16 **A** Yes.

17 **Q** And you have resided there ever since?

18 **A** I have.

19 **Q** Now did you continue to use your Farragut
20 address as your address?

21 **A** I did.

22 **Q** And why is that?

23 **A** Because I felt that I did not have ownership at
24 the time, we were not married, and my family's
25 home was my safe zone at the time.

1 Q So you kept your principal residence at
2 Farragut, even though you were living at
3 Overview?

4 A Correct.

5 Q When did you intend to make Overview your
6 principal residence?

7 A After marriage.

8 Q Now you mentioned that one of your
9 understandings when you got engaged was that you
10 were not going to live together?

11 A Correct.

12 Q Did Charlie White move into the Overview
13 condominium in November when it was leased?

14 A No.

15 Q Did he move in when it was purchased in
16 February?

17 A No.

18 Q When did he move in?

19 A After our honeymoon, so that would be June.

20 Q Now during that period of time, he's testified
21 that his principal residence was on Broad Leaf
22 Lane?

23 A Correct.

24 Q And that is where his ex-wife, Nicole, has a
25 house, and that is where he often stayed?

1 **A** Yes.

2 **Q** Now that -- that was true when you got engaged;
3 right?

4 **A** Yes.

5 **Q** And it was true when you leased the -- when he
6 leased the condominium?

7 **A** Right.

8 **Q** And when he purchased the condominium?

9 **A** I believe so. I know that he was at the
10 apartment. I can't remember when he was off the
11 lease there, but --

12 **Q** Okay.

13 **A** -- that's -- he moved back into Broad Leaf,
14 yeah, after he was off the lease for the
15 apartment.

16 **Q** I was going forward in 2010, when he -- when the
17 condominium was purchased, he continued to live
18 at Broad Leaf until you all were married?

19 **A** Yes.

20 **Q** Now don't you think that's -- some people would
21 think that's a little unusual, that a man would
22 be having a residence with his ex-wife. Could
23 you explain the relationship that you and Nicole
24 and he had?

25 **A** We celebrate birthdays and holidays together.

1 You know, I was introduced to Nicole probably a
2 month after dating, always considered her as a
3 family member, and you know, it's the mother of
4 his son, so you know, I just -- we've always had
5 a nice relationship, and you know, because of my
6 wishes, you know, I -- I was comfortable with
7 that situation because at that time we had no
8 other choice because there were children
9 involved.

10 Q Okay. Now when we say move in, did Charlie,
11 once the time came to move in, did he move
12 furniture into the condominium?

13 A After marriage or...

14 Q Yes, after marriage?

15 A Yes.

16 Q Yes. How about before marriage?

17 A He really didn't have much, not before marriage,
18 but it was...

19 Q He didn't have much or much that you wanted, --

20 A Right, exactly, that's correct.

21 Q -- to be precise? Now he did have some clothes;
22 right?

23 A He did, but he pretty much lived out of his car,
24 that was during the campaign cycle, and
25 furniture was -- there was like a couch and a

1 table that was moved in after marriage and I set
2 aside space in the closet for him after we were
3 married as well so that was about that.

4 **Q** And he was allowed to hang his couple of suits
5 in that closet after you were married?

6 **A** After, yes.

7 **Q** Now did he visit at the condominium from time to
8 time?

9 **A** He did.

10 **Q** And did he spend the night?

11 **A** He did.

12 **Q** And was he sometimes accompanied by William?

13 **A** That's most -- the majority of the time, is when
14 he had William.

15 **Q** And when he stayed at the condominium, where did
16 he -- where did he and William stay?

17 **A** On the couch. William sometimes would stay up
18 on his bunk bed where the boys share a bedroom.

19 **MR. J. BOPP:** Okay. I have no further
20 questions.

21 **CHAIRMAN T. WHEELER:** Petitioner.

22 **MS. K. CELESTINO-HORSEMAN:** Thank you.

23

24

25

1 **CROSS-EXAMINATION**

2 **QUESTIONS BY MS. KAREN CELESTINO-HORSEMAN:**

3 **Q** You stated that you moved into the Overview
4 condominium, and that's how I'll refer to your
5 current home, in October of 2009; is that right?

6 **A** November.

7 **Q** November -- I'm sorry, November of 2009. And
8 you didn't want Charlie White to move in with
9 you because you felt that you didn't have
10 ownership interest in the condominium?

11 **A** No, it was really about my 13-year-old daughter.
12 I did not want her to see me sharing a bedroom
13 with a man that was not my husband.

14 **Q** Was there anything that prohibited you from
15 sharing a bedroom with your daughter?

16 **A** Would you rephrase that again?

17 **Q** Was there anything that prohibited you from
18 sharing a bedroom with your daughter?

19 **A** Oh, no.

20 **Q** I mean, because you knew your husband, Charlie,
21 or your fiancée was sleeping in a car; correct?

22 **A** Well, he was a statewide candidate so he was all
23 over. He was in one of the 92 counties at the
24 time.

25 **Q** But he was sleeping in his car -- as I

1 understand it, he was sleeping in his car. Some
2 nights, he would stay over at Broad Leaf. Some
3 nights, he would stay over at the Overview
4 condominium?

5 **CHAIRMAN T. WHEELER:** Could you rephrase
6 the question because I'm not -- I'm not sure
7 that I heard testimony that he was sleeping in
8 his car.

9 **THE WITNESS:** Yeah.

10 **CHAIRMAN T. WHEELER:** I heard he was living
11 out of the car, but I didn't hear any testimony
12 that he was sleeping out of the car.

13 **Q** I mean, living out of the car?

14 **CHAIRMAN T. WHEELER:** Maybe you should ask
15 her that question.

16 **Q** Living -- did he sleep in the car that you know
17 of?

18 **A** He would -- I remember probably two times out
19 of, you know, during the campaign travel that he
20 would pull over to the side and sleep, you know,
21 for a couple of hours, you know, so he didn't
22 have to stay in a hotel room before he came back
23 to Fishers.

24 **Q** And he was living in his car, you said?

25 **A** He wasn't living in his car, but most of his

1 clothing -- he basically lived out of a duffel
2 bag and his suits were in the trunk of his car
3 and a little bit scattered.

4 Q Was -- was there anything to prohibit him from
5 keeping his clothing at Over -- at the Overview
6 condominium?

7 A There was no need to. He just always had his
8 things with him.

9 Q And he was sleeping over at Nicole Mills' home,
10 the Broad Leaf home; is that right?

11 A Yes, depending on his schedule.

12 Q And he didn't sleep over at the Broad Leaf home
13 every night?

14 A Correct.

15 Q From the sounds of what you're saying, it sounds
16 like he was primarily on the road and staying
17 other places and did not stay -- and stayed
18 infrequently at the Broad Leaf home?

19 A Correct.

20 Q Now you did say that you kept your principal
21 residence at Farragut; is that right?

22 A Right.

23 Q Prior to your marriage on May 28th, 2010; is
24 that correct?

25 A Yes, correct.

1 Q And you said that you kept -- that's what it
2 was, that you kept your principal residence at
3 Farragut because you felt like you didn't have
4 an ownership interest in the Overview
5 condominium prior to marriage; is that correct?

6 A Yes.

7 Q And prior to moving into Overview, you lived at
8 your parents' home at Farragut; correct?

9 A Uh-huh.

10 Q You need to answer yes or no for the court
11 reporter.

12 A Yes.

13 Q And you didn't have an ownership interest in
14 your parents' home at Farragut?

15 A Correct.

16 Q But you still went ahead and lived at your
17 parents' home; correct?

18 A Yes, before I moved in in November to Overview.

19 Q All right. Now you've said you viewed Nicole as
20 a family member?

21 A I do.

22 Q So you trust Nicole?

23 A Absolutely.

24 Q You would never worry about her opening your
25 mail or anything, would you?

1 **A** No.

2 **Q** So if there was sensitive information sent to
3 the Broad Leaf home and it was addressed to you
4 in a sealed envelope, you would not be concerned
5 about that, would you?

6 **A** Never.

7 **Q** Now you said that Charlie moved in his
8 furniture -- am I correct in understanding that
9 Charlie moved in his personal possessions
10 primarily after the marriage; correct?

11 **A** Yes, correct.

12 **Q** So he had very little personal property in the
13 home; is that correct?

14 **A** Correct.

15 **Q** And so -- now your husband is an intelligent
16 man, isn't he?

17 **A** He is.

18 **Q** And any time it comes time to make a big
19 decision, you would expect him to -- I'm sure
20 you've seen him consider all possibilities and
21 really familiarize himself with that?

22 **MR. C. BRIZZI:** I'm going to object to the
23 form of the question.

24 **MS. K. CELESTINO-HORSEMAN:** I don't know
25 what he's objecting to.

1 **CHAIRMAN T. WHEELER:** Did you finish the
2 question?

3 **MS. K. CELESTINO-HORSEMAN:** No.

4 **CHAIRMAN T. WHEELER:** Let her finish the
5 question.

6 **MS. K. CELESTINO-HORSEMAN:** How about I'll
7 rephrase.

8 **CHAIRMAN T. WHEELER:** That would be nice.

9 **Q** All right. You are -- your husband, Charlie, is
10 a lawyer; correct?

11 **A** Yes.

12 **Q** And you would expect your husband, Charlie, on
13 any -- you've seen him do this -- back up.

14 When it comes time to make a major decision
15 involving your family and Charlie is doing that
16 with you, he reads and reviews issues and all of
17 that so that he can make an informed decision,
18 doesn't he?

19 **A** He does.

20 **Q** Mr. White's son, William, he would have William
21 every -- what is it, every weekend, or how
22 frequently would he have him?

23 **A** Typically, it just depended on the schedule -- I
24 mean, those boys are both very busy, especially
25 back then when Charlie was traveling all the

1 time -- I mean, it was pretty much rarely in...

2 Q So when you say those boys, Charlie has two?

3 A No, meaning Charlie himself, and his son,
4 William.

5 Q Now you have two children as well; correct?

6 A I do.

7 Q Now one of your children lives with you, you
8 have full-time custody; correct?

9 A Correct.

10 Q And the other child, you have part-time custody?

11 A Correct.

12 Q You're not the custodial parent of your son;
13 correct?

14 A I am. The roles reverse. I have him full time
15 during the school year, and then his father has
16 him full time, or you know, we try to -- I get
17 him on the weekends in the summertime, then I
18 have him throughout the week during the school
19 year.

20 Q So did Charlie pay all the utilities on the
21 Overview condominium from the date that you
22 moved in and up until the point you were
23 married?

24 A Correct.

25 Q And did he pay all the rent and then the

1 subsequent mortgage payments during that same
2 time period?

3 **A** Yes.

4 **Q** And there was no reason why -- I think we
5 answered this, but I just want to make sure,
6 there was no reason why -- how many bedrooms in
7 the condominium?

8 **A** There are three.

9 **Q** And so if your daughter were to have slept with
10 you and then your son in another room, that
11 would have still left another bedroom; correct?

12 **A** There would have.

13 **Q** How many nights of a week would Charlie average
14 spending at the Overview condominium from the
15 time period of when you moved in in mid November
16 until your marriage?

17 **A** Based on what I can remember, it typically
18 landed on the weekends, so throughout the week,
19 I would say probably one to two nights a week.

20 **Q** Okay. And that would be primarily on the
21 weekend?

22 **A** That I can remember -- I mean, there's probably,
23 you know, a sporadic date that it would be
24 throughout the week, but it typically would be
25 one to two days.

1 Q And you said he was out primarily traveling at
2 the time?

3 A Right.

4 Q And he was staying at Broad Leaf infrequently as
5 well?

6 A Correct.

7 Q Prior to May of 2009, did you vote in that
8 election?

9 A I did.

10 Q And what address were you registered to vote, do
11 you recall?

12 A I do.

13 Q And what address was that?

14 A 9668 Farragut Circle.

15 Q And the polling place in which you voted in
16 May 2009 --

17 MR. C. BRIZZI: May I have a moment?

18 *(A discussion was held off the record.)*

19 CHAIRMAN T. WHEELER: Can you restate your
20 question, please?

21 Q In the primary election of May 2010, you voted
22 in the polling place that was assigned for and
23 served 9668 Farragut Circle; is that correct?

24 A Correct.

25 Q And at that time the poll book allows you to

1 mark on there whether your address is changed or
2 unchanged; is that correct?

3 **A** Yes.

4 **Q** And you indicated to the poll worker that your
5 address was unchanged; is that correct?

6 **MR. C. BRIZZI:** Before she answers, I want
7 to make a quick record that she has been advised
8 of her Fifth Amendment Right of
9 self-incrimination. She has been advised about
10 the possible implications of this particular
11 line of testimony, and Michelle Quigley-White
12 has decided on her own to waive that right and
13 answer these questions.

14 **Q** And so you indicated on the poll form that your
15 address was unchanged; isn't that correct?

16 **A** Correct.

17 **Q** So according to the poll book, there was nothing
18 to tell them that you were no longer living at
19 9668 Farragut Circle?

20 **A** Yes.

21 **Q** So no one knew you were living at Overview;
22 isn't that right?

23 **CHAIRMAN T. WHEELER:** Well, I --

24 **Q** I mean, no one in the polling place --

25 **CHAIRMAN T. WHEELER:** Why don't you

1 rephrase the question?

2 **MS. K. CELESTINO-HORSEMAN:** Certainly.

3 **Q** So you did not tell a poll worker --

4 **A** Oh, no, I did not -- no, I did not tell a poll
5 worker, sorry.

6 **Q** Okay, let me finish. You didn't tell a poll
7 worker or anyone in the polling place that you
8 were not living at 9668 Farragut Circle; isn't
9 that correct?

10 **A** I'm sorry, say it --

11 **THE WITNESS:** Do I answer it?

12 **MR. C. BRIZZI:** No, again -- yeah -- well,
13 if you want to answer the question, you may
14 answer the question knowing...

15 **CHAIRMAN T. WHEELER:** I think she's already
16 answered the question.

17 **MR. C. BRIZZI:** She's already answered the
18 question and that same admonition would -- would
19 apply so...

20 **CHAIRMAN T. WHEELER:** As I understand her
21 testimony, no, she did not indicate to anybody
22 that she had -- was living at another address --

23 **THE WITNESS:** Right.

24 **CHAIRMAN T. WHEELER:** -- other than
25 Farragut address. At the time she was not

1 married and did not have an ownership interest.
2 That's my understanding of the testimony.

3 **Q** Is that correct explanation of what the Chairman
4 just stated?

5 **A** The reason being is I did not have ownership of
6 the condo and my family resided at 9668 Farragut
7 Circle and I wasn't married at the time.

8 **Q** Is it your understanding that to register to
9 vote at the address where you're residing that
10 you have to have an ownership interest?

11 **MR. C. BRIZZI:** I'm going to object to
12 relevancy at this time. She's already answered
13 the questions about where she was registered and
14 where she voted. Any understanding beyond that
15 is irrelevant to where Secretary White voted.

16 **MS. K. CELESTINO-HORSEMAN:** I think it goes
17 to her credibility in understanding what it is.

18 **CHAIRMAN T. WHEELER:** I think we've got a
19 good feel for her credibility right now.

20 **MS. K. CELESTINO-HORSEMAN:** Okay.

21 **Q** And the same holds true with your marriage
22 certificate; correct?

23 **A** Correct.

24 **Q** You gave the address of your address at 9668
25 Farragut; right?

1 **A** Right.

2 **Q** And you were actually living at 13086 Overview;
3 correct.

4 **A** Right.

5 **MS. K. CELESTINO-HORSEMAN:** I have nothing
6 further.

7 **CHAIRMAN T. WHEELER:** Mr. Bopp.

8

9 **REDIRECT EXAMINATION**

10 **QUESTIONS BY MR. JAMES BOPP, JR.:**

11 **Q** Regarding where you vote, not Charlie, where
12 you're voting, if I understand your testimony,
13 until you got married you weren't going to
14 establish your principal residence at Overview
15 until you were married?

16 **A** Exactly.

17 **Q** And you were going to not abandon your parents
18 as your principal residence until you were
19 married?

20 **A** Correct. I was not going to go through changing
21 all of my certificates and driver's license
22 until, you know, I had, you know, a place. I
23 still felt like I was still in transition in my
24 life.

25 **MR. J. BOPP:** No further questions.

1 **CHAIRMAN T. WHEELER:** Petitioner?

2 **MS. K. CELESTINO-HORSEMAN:** No.

3 **CHAIRMAN T. WHEELER:** Commissioners.

4 *(No response.)*

5 **CHAIRMAN T. WHEELER:** I have just one or
6 two real quick, and I don't want to get into
7 great detail about your financial history.
8 There was some testimony about the lease and the
9 condo, with respect to why you weren't on those
10 documents, would it be fair to say your credit
11 history was not good?

12 **THE WITNESS:** Correct.

13 **CHAIRMAN T. WHEELER:** Isn't that a reason
14 why you weren't on the documents or the
15 application?

16 **THE WITNESS:** Yes.

17 **CHAIRMAN T. WHEELER:** Your credit history,
18 had you been on those documents, as I understand
19 it, there's a foreclosure?

20 **THE WITNESS:** Yes, there is.

21 **CHAIRMAN T. WHEELER:** You would not be able
22 to -- credit would not be able to be obtained?

23 **THE WITNESS:** Yes.

24 **CHAIRMAN T. WHEELER:** Did you discuss that
25 with Mr. White?

1 **THE WITNESS:** Yes.

2 **CHAIRMAN T. WHEELER:** You indicated that
3 Mr. White moved in a sofa and a table, where did
4 the sofa and table come from?

5 **THE WITNESS:** It came from his apartment.

6 **CHAIRMAN T. WHEELER:** From Pintail?

7 **THE WITNESS:** Yes.

8 **CHAIRMAN T. WHEELER:** But he had been out
9 of Pintail -- he didn't move in the couch and
10 table until May of 2010, --

11 **THE WITNESS:** Right.

12 **CHAIRMAN T. WHEELER:** -- after you were
13 married, so actually in June?

14 **THE WITNESS:** Oh, so it came from -- I
15 believe it was in Nicole's basement at the time.

16 **CHAIRMAN T. WHEELER:** That's my -- that's
17 my question. So you think it came from the
18 Broad Leaf address?

19 **THE WITNESS:** Yes.

20 **CHAIRMAN T. WHEELER:** When did you change
21 your voter registration, or have you changed
22 your voter registration?

23 **THE WITNESS:** I did. I believe it was
24 before -- I can't recall, but before the next
25 time I voted, so in the general.

1 **CHAIRMAN T. WHEELER:** So prior to November
2 2010?

3 **THE WITNESS:** Yes.

4 **CHAIRMAN T. WHEELER:** Did you change it at
5 the same time Mr. White changed his?

6 **THE WITNESS:** I don't believe so. I don't
7 know if it was a different time or not.

8 **CHAIRMAN T. WHEELER:** Do you recall if it
9 was before or after?

10 **THE WITNESS:** After, I believe. I'm not
11 sure.

12 **CHAIRMAN T. WHEELER:** All right. When did
13 you change your driver's license?

14 **THE WITNESS:** Actually, the first of this
15 year.

16 **CHAIRMAN T. WHEELER:** The first of this
17 year?

18 **THE WITNESS:** Uh-huh.

19 **CHAIRMAN T. WHEELER:** And I assume you
20 would have changed the name and the address
21 both?

22 **THE WITNESS:** I did.

23 **CHAIRMAN T. WHEELER:** Did Mr. White share
24 your concerns about having a permanent
25 residence?

1 **THE WITNESS:** He was never materialistic.
2 I think he's just pretty much focused on other
3 things, but absolutely. I think if I didn't put
4 my foot down in such a way that being married --
5 living together before marriage, I do believe
6 we'd still be engaged to this day because he's
7 just hyper-focused on, you know, his work,
8 politics.

9 **CHAIRMAN T. WHEELER:** Okay. You indicated
10 that he spent one to two nights a week at the
11 current address at Overview Drive. During that
12 same period of time, and that's while he was
13 running for the election, while you were in
14 there from November til May, November of '09 to
15 May 2010, how many days a week would he spend at
16 Broad Leaf, just approximately, give me an idea?

17 **THE WITNESS:** I would say at least four
18 possibly.

19 **CHAIRMAN T. WHEELER:** So he's spending one
20 to two nights a week with you at Overview?

21 **THE WITNESS:** Uh-huh.

22 **CHAIRMAN T. WHEELER:** And spending four
23 nights a week at Broad Leaf?

24 **THE WITNESS:** I mean, I wasn't traveling
25 with him.

1 **CHAIRMAN T. WHEELER:** Sure, but I just
2 asked you for an approximation?

3 **THE WITNESS:** I would say four or more, you
4 know, if he wasn't staying in a hotel or at
5 family or a friend's house. That's while he was
6 campaigning.

7 **CHAIRMAN T. WHEELER:** And you understand
8 people looking outside, and again, I think this
9 was referenced in the questioning, find that
10 odd?

11 **THE WITNESS:** Yeah. Sure.

12 **CHAIRMAN T. WHEELER:** And again, what's
13 your explanation for that?

14 **THE WITNESS:** Until you run for a statewide
15 office, and you know, having a lengthy
16 engagement like that, I mean, I just have to...

17 **CHAIRMAN T. WHEELER:** The odd part is
18 sleeping at the ex-wife's basement four nights a
19 week?

20 **THE WITNESS:** Oh, sure. You know, at that
21 time he was still on the mortgage, and that
22 takes time to resolve before we could actually
23 even look for a place to live, and you know,
24 that took time to find a place to live, and he
25 was already -- resided there, and it just seemed

1 to work at that time.

2 **CHAIRMAN T. WHEELER:** And as I understand
3 your testimony, the intent of both of you was
4 that you would not change either one of your two
5 residences -- you were not going to abandon
6 either one of the residences, yours at Farragut,
7 his at Broad Leaf until you got married?

8 **THE WITNESS:** Correct.

9 **CHAIRMAN T. WHEELER:** That was your intent
10 and that was his intent?

11 **THE WITNESS:** Yes.

12 **CHAIRMAN T. WHEELER:** That's all I have.
13 Anything else from the commissioners?

14 *(No response.)*

15 **CHAIRMAN T. WHEELER:** Petitioner.

16

17 **REXCROSS-EXAMINATION**

18 **QUESTIONS BY MS. KAREN CELESTINO-HORSEMAN:**

19 **Q** I just wanted to clarify something. You
20 testified -- when we had talked, you had said
21 that he spent the nights infrequently, now
22 you're saying he spent many nights at Broad Leaf
23 while he was -- from November -- from June to a
24 year, I guess, when he left the Pintail
25 apartment until when he moved in to Overview?

1 **A** Well, I guess it's majority.

2 **Q** Majority?

3 **A** Yes.

4 **Q** And how many nights then would that be on
5 average?

6 **A** I guess four to five.

7 **Q** Four to five nights at Broad Leaf and then one
8 to two nights at Overview?

9 **A** Yes.

10 **Q** So that is five to six nights per week he was in
11 town and sleeping?

12 **A** All I know is, you know, when he was visiting
13 with us and when he was back at Fishers and the
14 majority of the time he was on the road. So if
15 you want to calculate time that he was actually
16 here in Fishers campaigning, would outweigh that
17 by far.

18 **Q** So it's probably then unlikely that he was
19 spending four nights a week over at Broad Leaf?

20 **MR. C. BRIZZI:** This question's been asked
21 and answered.

22 **CHAIRMAN T. WHEELER:** I'm interested in the
23 answer, and the one thing I would suggest, Mr.
24 Brizzi, is while I have no problem with you
25 sitting there and asserting her Fifth Amendment

1 rights, what I do not want to see is coaching
2 the witness and discussing her testimony.

3 **MR. C. BRIZZI:** Well, then I'll have to
4 object based on the Fifth.

5 **CHAIRMAN T. WHEELER:** Well, if you want to
6 take -- if she wants to take the Fifth then, you
7 can do that, but what you can't do is sit there
8 and coach the witness as to her answers. That's
9 my concern. Now, Petitioner, you want to ask,
10 reask the question or not?

11 **MS. K. CELESTINO-HORSEMAN:** Yes.

12 BY MS. K. CELESTINO-HORSEMAN:

13 **Q** I think previously you and I spoke and you said
14 it was infrequent stays at Broad Leaf, and when
15 you were talking to Mr. Chairman, you said four
16 nights a week at Broad Leaf, and now you're
17 saying that most of the time he was out on the
18 road.

19 What we were trying to do is get an average
20 during that time period, when he was
21 campaigning, as how many nights he was staying
22 at Broad Leaf, so maybe what we should start
23 with is what is an average of how many nights
24 would he be in Fishers?

25 **A** I guess five nights a week at Broad Leaf and two

1 at Overview.

2 **Q** So now it's five nights a week at Broad Leaf and
3 two at Overview and no nights on the road?

4 **A** You know, it was -- when you say infrequent, it
5 just -- that meant in my mind that -- you know,
6 it was scattered -- I mean, his schedule was all
7 over the place, and you know, whether it was on
8 the weekends or during the week -- I mean, there
9 was no set days or set times that I recall.

10 **Q** I guess I'm just trying to understand. I've
11 heard different things here. Now you're saying
12 7 nights a week he was in Fishers on average?

13 **MR. C. BRIZZI:** I'm going to object again
14 based on that it's been asked and answered.

15 **CHAIRMAN T. WHEELER:** I do agree. We just
16 have her credibility. I've obviously gotten
17 answers to my questions and the commissioners
18 have gotten answers to their questions.

19 **MS. K. CELESTINO-HORSEMAN:** Nothing
20 further.

21 **CHAIRMAN T. WHEELER:** Mr. Bopp?

22 **MR. J. BOPP:** No questions.

23 **CHAIRMAN T. WHEELER:** Commissioner Pylitt?

24 **COMMISSIONER MEMBER B. PYLITT:** The nights
25 that Mr. White would stay there, would those

1 correspond to when your daughter would stay with
2 her father?

3 **THE WITNESS:** No, she would be at the house
4 there.

5 **COMMISSIONER MEMBER B. PYLITT:** So there
6 would be no nights that your daughter would stay
7 there and Mr. White was there?

8 **THE WITNESS:** Right, because that was our
9 way of transitioning the children together but
10 he did sleep on the couch.

11 **COMMISSION MEMBER B. PYLITT:** Okay.

12 **CHAIRMAN T. WHEELER:** And just so that
13 we're clear, there is the Overview Drive?

14 **THE WITNESS:** Yes.

15 **COMMISSION MEMBER B. PYLITT:** Yes. Thank
16 you.

17 **CHAIRMAN T. WHEELER:** Anything further from
18 the commissioners?

19 *(No response.)*

20 **CHAIRMAN T. WHEELER:** All right.

21 **MR. C. BRIZZI:** Is she released?

22 **CHAIRMAN T. WHEELER:** The witness is
23 released from the subpoena. Thank you very
24 much. You can discuss your testimony with other
25 individuals but not with anybody else who's

1 currently a witness. Thank you.

2 **THE WITNESS:** Okay.

3 **CHAIRMAN T. WHEELER:** Mr. Bopp.

4 **MR. J. BOPP:** Nicole Mills.

5

6 **NICOLE SABRINA MILLS**, a witness called on
7 behalf of the Respondent, having been first duly
8 sworn by the Recount Director, took the stand and
9 testified as follows:

10

11 **DIRECT EXAMINATION,**

12 **QUESTIONS BY MR. JAMES BOPP, JR.:**

13 **Q** State your full name, please?

14 **A** Nicole Sabrina Mills.

15 **Q** And where do you reside?

16 **A** In Fishers.

17 **Q** At what location?

18 **A** 7527 Broad Leaf Lane.

19 **Q** Were you married to Charlie White?

20 **A** Yes, I was.

21 **Q** Did that marriage end in divorce?

22 **A** Yes, it did.

23 **Q** And when was that?

24 **A** The end of 2006.

25 **Q** And when he divorced, he moved out of the Broad

1 Leaf residence?

2 **A** Actually, it was a little bit before the divorce
3 that he moved out, yes.

4 **Q** And he moved to Pintail apartment?

5 **A** Yes. Pintail isn't the apartment, though. It
6 was the address.

7 **Q** Pintail, that's what I meant, Apartment F,
8 Pintail?

9 **A** Uh-huh.

10 **Q** Then were you aware of the fact that he
11 terminated that lease at the end of May 2009?

12 **A** Yes, I was.

13 **Q** And when he did that, did he discuss with you an
14 arrangement where he could stay?

15 **A** Yes.

16 **Q** And what was that?

17 **A** Well, there were a couple of different things,
18 one part was specifically about his mail, since
19 he was kind of living, I'm not sure as a
20 homeless man -- really, that he didn't have a
21 place for his mail to go, and so he asked me at
22 that time if he could send his mail to the house
23 and I said yes.

24 And then also he asked at that time if he
25 could spend a little extra time, I guess, at the

1 house, since he didn't really have a place to stay,
2 and since he was on the road so much campaigning
3 and whatnot, you know, really, my biggest priority
4 is that he gets to see William and so this is a way
5 that he could actually come over to the house and
6 nap or hang out or have dinner with us or whatever,
7 so yes.

8 **Q** Did that include spending the night there?

9 **A** I don't know if I would call it spending the
10 night as some people would say, but he did sleep
11 there, yes.

12 **Q** Now was he given 24-hour, 7-day a week access
13 to -- to your house?

14 **A** Yeah. As a matter of fact, probably about two
15 years ago, my husband, then my fiancée and I
16 actually put a new garage door and put a new
17 system in and so we gave Charlie the code so
18 that he could get into the house.

19 Before that, when we were married, we did not
20 have a code -- code access, or we didn't even know
21 what the code was for our garage door, so yes, he
22 did have that, and up until sometime last year, he
23 even had the key to the house, too.

24 **Q** So he was allowed to come there and spend the
25 night anytime, as long as he let you know?

1 **A** Yeah, that is the thing. It wasn't like he
2 could just free willingly come in and out of the
3 house like we were still married, but there was
4 a point in time when I had asked someone that he
5 worked with for access to his campaign calendar
6 so that I knew when he was in and out of town,
7 and because his schedule was so unpredictable,
8 we conversed regularly about when he was
9 actually going to be in town, so I kind of knew
10 when he would be there, and also, because I
11 traveled some for work at that time, he would
12 then come and stay at the house while I was
13 gone.

14 **Q** Now you aware of the fact that he became engaged
15 in June of 2009?

16 **A** I don't know the exact date, but I know that he
17 was engaged.

18 **Q** And did you know at that time his fiancée,
19 Michelle?

20 **A** Did I know her?

21 **Q** Yes, did you know her?

22 **A** Yes, we had met several times.

23 **Q** Did -- were you also aware that he first rented
24 and then ultimately purchased a condominium?

25 **A** I don't know the terms of -- I know that

1 eventually he had the condo, but I don't know
2 about the renting and eventually living. That's
3 not stuff that we discuss.

4 Q Were you aware that Michelle moved into that
5 condominium?

6 A Yes, I was.

7 Q And that Charlie continued to spend nights at
8 your house?

9 A Yes. And actually, as a matter of fact, there
10 were several occasions because I had a project
11 for work last year that went in in November and
12 I traveled to Europe and to Mexico City where I
13 asked him to actually stay there on several
14 occasions and that was during the time when she
15 was actually at the condo.

16 Q Were you also aware that they were married?

17 A At some point in time, yes.

18 Q Did you know that?

19 A Yes, I do know that.

20 Q That was on Memorial Day weekend in 2010?

21 A It was sometime around then, yes.

22 Q Is that the time Charlie moved to the Overview
23 condominium?

24 A I don't know the exact time because everything
25 was kind of he was here, he was not there, but I

1 do know that shortly thereafter, I got married
2 and we wanted to have our now married life and
3 get back to a normal life-style and it was about
4 that time that we started sending all of
5 Charlie's stuff over to the other place.

6 **Q** And he ceased spending the night at your house?

7 **A** Yes.

8 **Q** Some -- some people might think that it's
9 unusual for an ex-husband to stay at the house
10 of an ex-wife?

11 **A** Uh-huh.

12 **Q** Could you explain the relationship that you and
13 Michelle and Charlie have?

14 **A** Yes, I'll be glad to. We have a very atypical
15 life-style -- you know, I go on vacations with
16 his mother. We spend holidays together -- you
17 know, we spend birthdays together because
18 Charlie's mom and my husband actually have the
19 same birthday so we'll go and celebrate
20 birthdays, my family and his family.

21 You know, even last year, William's birthday
22 party, my son, there was nobody else from my family
23 at the house, it was all of his family, and
24 Michelle and Michelle's daughter, and I hosted it
25 so my parents were in Florida, my fiancée was

1 hunting, but I hosted that because it's the right
2 thing to do.

3 And Charlie and I had said, you know, when we
4 got married, we're still friends. We may have
5 different views about life and our careers and
6 things like that, but at the end of the day, the
7 most important thing is that we are parents to our
8 child, and so all of our decisions are made on
9 that. So I have no ill will against him at all.
10 As a matter of fact, I would consider him my
11 family -- he and his family are my family, and I
12 know that he thinks the exact same thing.

13 So it is different -- difficult, I think, for
14 a lot of people to believe that we are this way,
15 but I see his mom every single day and I see
16 Charlie, you know, several times a week still to
17 this day, and there was a point in time where until
18 all of this stuff happened, where he was actually
19 coming over to the house in the morning during the
20 campaign and walking with my husband to the bus
21 stop to take our child, and so there's a
22 relationship that I think people just don't
23 understand.

24 Now do we hang out together, no -- you know,
25 it's not like we're still married. It's not like

1 we're buddy, buddy, and we call each other all the
2 time, but we do have some sort of, I'm going to
3 say, intellectual relationship that we do -- I
4 think we're on the same plane, if you will, in that
5 respect, and I think that's why all of this works.
6 So I guess -- I don't know if there's anymore you
7 want me to say about it, but that is it. Like I
8 said, he is my family still and I know that I and
9 my parents are still his family.

10 **MR. J. BOPP:** No further questions.

11 **CHAIRMAN T. WHEELER:** Petitioner.

12 **MR. W. GROTH:** Thank you, Mr. Chairman.
13

14 **CROSS-EXAMINATION**

15 **QUESTIONS BY MR. WILLIAM R. GROTH:**

16 **Q** Mrs. Mills, with regard to the home that you
17 reside in on Broad Leaf, and I'd like to focus
18 if we could from roughly mid 2009 until mid
19 2010, if we could think about that time period?

20 **A** Okay.

21 **Q** Is it true that during that time period, and
22 this was before you became remarried; correct?

23 **A** Yes, it is.

24 **Q** During that time period, you were paying all of
25 the utility bills on the Broad Leaf property?

1 **A** Uh-huh.

2 **Q** You have to answer verbally?

3 **A** Oh, yes.

4 **Q** Thank you. And you were making the mortgage
5 payment on that property?

6 **A** Yes, I was.

7 **Q** And you were paying the taxes on that property?

8 **A** Yes, I was.

9 **Q** And you were paying the insurance on that
10 property?

11 **A** Yes, I was.

12 **Q** Could you generally describe the Broad Leaf
13 home -- it is a single family dwelling, is it
14 not?

15 **A** It is a single family dwelling. It has two
16 floors and a basement.

17 **Q** How many bedrooms does it have?

18 **A** There's three and a half upstairs and a half,
19 and I say that because off of our master bedroom
20 is a den, and some people might say that's a
21 bedroom, too, and in the basement, we have a
22 finished basement with another bedroom in the
23 basement.

24 **Q** And does the bedroom in the basement, is it
25 adjacent or a bathroom adjacent to it?

1 **A** There is not a bathroom in there. There's a
2 bathroom on the main floor.

3 **Q** All right. Thank you. Now with regard to your
4 son, William, you and Mr. White have joint
5 custody of William; is that correct?

6 **A** Yes, we do.

7 **Q** And what are the visitation arrangements that he
8 has?

9 **A** Generally, he has him Saturday night through
10 Tuesday morning.

11 **Q** So that would be a total of three nights a week
12 that --

13 **A** Uh-huh.

14 **Q** -- he has custody and visitation rights of
15 William?

16 **A** Yes.

17 **Q** And when he had that, had those visitation
18 rights, --

19 **A** Uh-huh.

20 **Q** -- does he typically take William with him?

21 **A** I would say now, yes, and prior to the campaign,
22 yes. During the campaign, though, he was gone
23 and so I actually had William a lot more than
24 Charlie did. We made a lot of exceptions
25 through the week and on the weekend because he

1 was gone.

2 Q So although he had -- as I understand your
3 testimony, --

4 A Uh-huh.

5 Q -- although he had the right to keep and take
6 William three nights a week, he didn't --

7 A That's correct.

8 Q -- exercise that right?

9 A He did not exercise that right and he would
10 instead sometimes just come over to the house
11 and have dinner with us instead of staying
12 because he was getting ready to leave to go out
13 of town.

14 Q Now you're aware that Charlie had purchased a
15 condo on Overview Drive at some point in time?

16 A At some point in time. Like I said, I don't
17 know all the particulars in terms of leasing and
18 owning, what all that was about. I just know at
19 one point in time he did purchase that condo.

20 Q And were you aware that prior to his purchase of
21 that condo, he had signed a lease?

22 A That's what I'm saying, I don't know. I don't
23 know the particulars of that.

24 Q But you know that he had some sort of interest
25 of a condo on Overview Drive?

1 **A** I knew he was looking for a house, in general,
2 some place to live, and he eventually found
3 something, so yes, I knew.

4 **Q** We've had testimony, and you haven't been here
5 throughout the proceeding because of the
6 separation, but the testimony is he signed a
7 lease for Overview and took occupancy in mid
8 November; would you have any reason to dispute
9 that, mid November of 2009?

10 **A** Honestly, I don't know. I couldn't tell you. I
11 can't answer that question.

12 **Q** When Charlie would spend the night -- we know
13 that according to your testimony, you went --
14 you traveled some in connection with your job;
15 is that right?

16 **A** Yes, that's correct.

17 **Q** How frequently do you -- did you travel --

18 **A** Did I travel?

19 **Q** -- during that period of time?

20 **A** And the only reason why I know some of this
21 stuff is because it was out of the country. In
22 March and April, I actually spent some time in
23 Mexico City and in the UK and I probably went to
24 New Jersey two or three times because that's
25 where our home office is. I would say that's

1 more in the spring of last year. I don't know
2 the times for New Jersey but -- so yes.

3 Q During that same time period, how many nights
4 would you say you were away from your home on
5 company visits?

6 A I don't know if I can tell you the exact. I
7 just know whenever I go to New Jersey, it's
8 probably for two nights, two to three nights,
9 and then the UK was four nights, and also the
10 Mexico City was two or three nights as well.

11 And actually, even prior to that, during this
12 time that you're -- you're speaking about, I went
13 to Germany for -- for, I think, a week and a half
14 to two weeks and Charlie watched and stayed with
15 William during that time as well.

16 Q Okay. I know you testified that when you went
17 to Mexico City, you asked Charlie to house sit
18 for you?

19 A Uh-huh.

20 Q Is that a fair characterization?

21 A Yes. We have two dogs so it's quite expensive
22 to send them to the kennel.

23 Q So you weren't there when he was there at that
24 point, obviously?

25 A No.

1 Q And when you went to Germany, did you also ask
2 him to house sit on that occasion?

3 A Yep -- yes.

4 Q And when you went to the UK, did you ask him to
5 house sit on that occasion?

6 A Uh-huh.

7 Q Yes?

8 A Yes. I'm not going to say house sit. He had
9 rights to come to the house, so I asked him to,
10 you know, stay with William because he has to go
11 to the bus stop so it's probably most convenient
12 for him to be there versus anywhere else.

13 Q All right. So you not only invited him to stay,
14 you essentially encouraged or asked him to stay
15 because you needed someone to watch the dogs and
16 watch the house?

17 A Uh-huh.

18 Q Yes?

19 A Yes.

20 Q Any other business trips during that time period
21 that you can recall that you asked Charlie to
22 come over and stay with the dogs?

23 A I cannot. I can't recall.

24 Q Were there occasions from November of '09 until
25 Charlie got married in May of 2010 that he would

1 spend the night at your place while you were
2 there?

3 **A** Well, I just want to correct. You guys keep
4 saying spend the night --

5 **Q** Sleep?

6 **A** -- and I don't want anybody to misconstrue what
7 that means; right?

8 **Q** And believe me, I don't -- we could care less
9 about any of that.

10 **A** I know, but people outside of here are going to
11 say something different.

12 **Q** The law has put some emphasis on --

13 **A** So was he there when I was there?

14 **Q** -- where a person sleeps. Let me ask it this
15 way: How many nights do you recall Charlie
16 sleeping during that time period --

17 **A** Sometimes few --

18 **Q** -- while you were there?

19 **A** Sometimes few and sometimes many.

20 **Q** All right. Well, that doesn't help us.

21 **A** I mean, seriously, not until any of this stuff
22 came up would I have ever even thought about it,
23 so some -- there were some weeks where he may
24 only been there for an afternoon and then there
25 were some weeks when he might have been there

1 two or three times during the week, but can I
2 tell you exactly how many on every week, I can't
3 tell you that.

4 Q When you say was -- had been there at your house
5 two or three times a week, are you -- again, are
6 you talking about --

7 A I'm saying sleeping.

8 Q -- just visiting or just sleeping?

9 A No, I'm saying sleeping.

10 Q Okay.

11 A I'm saying sometimes he might have only had
12 dinner with us and sometimes he slept there.

13 Q Would you say -- if you just -- you know,
14 between November '09 and May of 2010, how many
15 nights per week on average did Charlie sleep of
16 a night at your place?

17 A I think that's what --

18 MR. J. USKERT: That's -- I'm going to
19 object. She's asked and answered that.

20 A Yeah, I was going to say, I thought I just
21 answered it.

22 CHAIRMAN T. WHEELER: I'm struggling with
23 why you're sitting here. Are you subject to the
24 Grand Jury investigation?

25 THE WITNESS: Pardon me?

1 **CHAIRMAN T. WHEELER:** Are you subject to
2 the Grand -- have you gotten a target letter?

3 **MR. J. USKERT:** No.

4 **THE WITNESS:** No.

5 **CHAIRMAN T. WHEELER:** I'm not sure what
6 standing you have to even sit there. I've
7 allowed you guys to sit there, but I don't think
8 you have any standing to speak up during this
9 presentation. Could you ask the question again,
10 Mr. Groth?

11 **MR. W. GROTH:** Can you read it back?

12 **A** How many times did I on average -- did he on
13 average stay there -- that's what I said, I
14 can't tell you. Sometimes it was few.
15 Sometimes it was many. So whatever you want to
16 construe out of that -- sometimes it was maybe
17 two. Sometimes it was three. Sometimes it was
18 one. Sometimes he was just there every day, but
19 he didn't spend the night, so you know, whatever
20 you want to create that average out of, it is
21 what it is.

22 **Q** Well, it's not my testimony. That's why I have
23 to rely on your...

24 **A** I know. I'm just struggling because I,
25 personally, don't remember. It was not at that

1 time important to me that I would sit there and
2 actually count, but there were sometimes when he
3 was there a little bit more and there were
4 sometimes when he wasn't there not that often.

5 Q Well, I assume if you were there and Charlie was
6 sleeping in the basement, you would recall that?

7 A Actually, you know what, there were sometimes
8 that I know where he came home really late at
9 night and left early in the morning because I
10 had to go to work so we didn't even interact
11 during some of that time.

12 That's why I say -- and sometimes I knew he
13 was there, but it's not like we hung out together
14 in the evenings because he would actually come back
15 from being on the road -- he would be back before
16 William and I, or he would be back after William
17 and I went to bed.

18 Q But if he were there sleeping overnight, he'd
19 have to use the rest room facilities, I assume?

20 A I assume he would.

21 Q And those rest room facilities were on the main
22 floor, not the basement?

23 A The main floor, right, and I'm upstairs.

24 Q And you didn't care, you gave him permission
25 whenever he wanted to sleep in the basement, use

1 the rest room facilities, that was fine with
2 you?

3 **A** I don't have a problem with it. As I -- as I
4 told Mr. Bopp we, have an atypical relationship.
5 I don't care if he does that. If that means
6 that it's going to get him on the road and get a
7 job and get a stable house, I don't care.

8 **Q** Do you believe that he intended to make
9 Broadview his permanent address?

10 **A** Broad Leaf?

11 **Q** Broad Leaf, I'm sorry?

12 **A** Do I -- what do you mean by do I believe he
13 intended?

14 **Q** Do you believe that by virtue of his pattern,
15 activity and conduct, that he intended to make
16 Broad Leaf his permanent residence?

17 **A** I'll answer the question the way I think you
18 asked it. At that time I believe that he did
19 not have any other home and that was considered
20 his home, so if he put that as his residence,
21 that doesn't surprise me, let's put it that way.
22 I did not talk to him about putting it as his
23 residence, but if he did that, it would be
24 understandable.

25 **Q** But you understand -- I believe I asked you

1 about this, he did have another home --

2 **A** Right.

3 **Q** -- as of November of 2009?

4 **A** Right, but I said that I didn't know any of the
5 specifics of that because I just knew he was
6 trying to close on something, so what I'm saying
7 is at that time, if he put that down, that
8 doesn't surprise me because he wasn't
9 necessarily living somewhere else.

10 **Q** What I'm asking you, what I'm trying to get from
11 you, and I think the Commission would be
12 interested in knowing as well, is during that
13 period of time, after Charlie purchased the
14 condo and/or -- and/or signed the lease,
15 November '09, is it your testimony that he would
16 spend on average three nights a week sleeping at
17 your place on Broad Leaf until he got married?

18 **MR. J. BOPP:** I object.

19 **CHAIRMAN T. WHEELER:** Mr. Groth, with all
20 due respect, that's at least the sixth time, I
21 was starting to mark them down, you asked the
22 same question, and she has answered the
23 question, I think, as completely as she can,
24 which is the same. She said that sometimes he's
25 there, sometimes he's there two or three times,

1 sometimes he's there the entire week, sometimes
2 she doesn't even know when he's there. I think
3 she's fairly and fully accurately answered it as
4 best she can, and if you keep answering -- you
5 keep asking the same question, I'm not sure
6 you're going to get any different answer.

7 **MR. W. GROTH:** Yeah, I'm just not sure, Mr.
8 Chairman, if she understood the time frame.

9 **A** No, I do understand. I do understand the time
10 frame.

11 **Q** Okay, very good. Did you attend the wedding
12 ceremony between Charlie and Michelle?

13 **A** No, I did not, but his mom attended mine.

14 **Q** Were you invited to attend?

15 **A** No, I was not.

16 **Q** Does Charlie continue to receive mail at Broad
17 Leaf occasionally?

18 **A** Only if it says to the White family or
19 something, I would consider that probably his.

20 **Q** Does he occasionally come over to pick up mail?

21 **A** No.

22 **Q** Has he come over to pick up mail --

23 **A** No.

24 **Q** -- since his marriage?

25 **A** No.

1 Q When you receive mail addressed to him, how do
2 you get it to him?

3 A When I receive mail -- well, he doesn't receive
4 mail so I don't give it to him.

5 Q So you don't get mail from -- addressed to
6 Mr. White since he got married?

7 A No.

8 Q Okay.

9 MR. W. GROTH: Thank you.

10 CHAIRMAN T. WHEELER: Mr. Bopp?

11 MR. J. BOPP: No further questions.

12 CHAIRMAN T. WHEELER: Commissioners?

13 *(No response.)*

14 CHAIRMAN T. WHEELER: One or two. When
15 were you remarried, what's the date of your...

16 THE WITNESS: July 2nd of 2010 -- yes, my
17 anniversary is in a week and a half.

18 MR. J. BOPP: We'll try and get this over
19 by that time.

20 THE WITNESS: Yeah, I hope so because I
21 have a date with a guy that's coming in next.

22 MR. J. BOPP: That may change the order.

23 CHAIRMAN T. WHEELER: There was testimony
24 regarding a sofa and table that was moved from
25 the -- after the marriage a sofa and a table

1 that was moved from the basement --

2 THE WITNESS: Yes.

3 CHAIRMAN T. WHEELER: -- of the Broad Leaf
4 to the other address?

5 THE WITNESS: Yeah.

6 CHAIRMAN T. WHEELER: The Overview Drive
7 address; --

8 THE WITNESS: Yeah.

9 CHAIRMAN T. WHEELER: -- is that correct?

10 THE WITNESS: Yes.

11 CHAIRMAN T. WHEELER: Was there a sofa and
12 table that was removed?

13 THE WITNESS: Yes, there is a sofa and a
14 table, uh-huh.

15 CHAIRMAN T. WHEELER: Was any other
16 furniture moved to the best of your
17 recollection -- you used the word "Charlie's
18 stuff," was moved.

19 THE WITNESS: Stuff.

20 CHAIRMAN T. WHEELER: I'm not sure what the
21 word "stuff" consisted of?

22 THE WITNESS: Well, it really is stuff. It
23 is the sofa -- the sofa, the table --

24 CHAIRMAN T. WHEELER: What kind of stuff
25 was moved following the marriage from the Broad

1 Leaf house to the Overview?

2 **THE WITNESS:** There is a -- there was a
3 picture of the Declaration of Independence.
4 There was a picture of the American flag with an
5 eagle -- I mean, it really was what some might
6 say like bachelor plaid -- pad stuff.

7 **CHAIRMAN T. WHEELER:** And this was all down
8 in the basement?

9 **THE WITNESS:** This was in the basement,
10 uh-huh.

11 **CHAIRMAN T. WHEELER:** And that was -- that
12 was the bedroom he used?

13 **THE WITNESS:** Uh-huh, and some clothes. I
14 think there were some clothes, too.

15 **CHAIRMAN T. WHEELER:** That's all I have.
16 Anything else from the commissioners?

17 *(No response.)*

18 **CHAIRMAN T. WHEELER:** Petitioners?

19 **MR. W. GROTH:** No.

20 **CHAIRMAN T. WHEELER:** Respondents?

21 **MR. J. BOPP:** No.

22 **CHAIRMAN T. WHEELER:** You are excused from
23 your subpoena.

24 **THE WITNESS:** Thank you.

25 **CHAIRMAN T. WHEELER:** You can stay around

1 and see how the rest of the day is going. Do
2 not discuss your testimony with anyone else who
3 has not yet testified because they're under
4 subpoena and we'll try to get you on your way as
5 quickly as possible.

6 **MR. J. BOPP:** I don't want to disappoint
7 Nicole, but we rests.

8 **CHAIRMAN T. WHEELER:** All right. You
9 aren't going to disappoint anybody up here, I
10 don't think. Any -- any rebuttal witnesses from
11 the Petitioner's side?

12 **MR. W. GROTH:** One kind of unresolved issue
13 that I thought we had resolved which is a
14 stipulation that Jim withdrew from the fact that
15 Mr. White had -- on January 24th, 2007, had
16 submitted voter registration application for
17 Delaware Township, Precinct 12, which is the
18 Broad Leaf address and we...

19 **CHAIRMAN T. WHEELER:** Which -- which
20 stipulation number was it?

21 **MR. W. GROTH:** It was -- my understanding
22 it was No. 5 that, we had agreed to, and he had
23 withdrawn from it.

24 **CHAIRMAN T. WHEELER:** That's correct, that
25 was my understanding. You withdrew Stipulation

1 No. 5; correct?

2 MR. J. BOPP: Yes.

3 MR. W. GROTH: Well, I was going to say I
4 have a witness that I think might be able to
5 resolve that since we can't get a --

6 CHAIRMAN T. WHEELER: Well, what's the --
7 what's the dispute, Mr. Bopp?

8 MR. J. BOPP: Well, if you look at No. 10,
9 we believe No. 10 is accurate.

10 CHAIRMAN T. WHEELER: White changed his
11 voter registration from the Broad Leaf house to
12 the Pintail apartment January, 2007, and I
13 assume you still agree with that stipulation;
14 correct?

15 MR. W. GROTH: We weren't suggesting that
16 we withdraw it.

17 CHAIRMAN T. WHEELER: No, that's okay. I
18 just want to -- what I heard from Mr. Bopp is
19 that 5 and 10 are the same thing, and you're
20 telling --

21 MR. J. BOPP: They cover the same subject
22 but...

23 CHAIRMAN T. WHEELER: What's -- I'm
24 struggling to understand the distinction that
25 you guys are drawing.

1 **COMMISSIONER MEMBER B. PYLITT:** It's a
2 dispute over the precinct.

3 **CHAIRMAN T. WHEELER:** That's what I
4 figured.

5 **MR. J. BOPP:** Yeah, Precinct 12 is Broad
6 Leaf, but he actually moved from Broad Leaf to
7 Pintail, which is Precinct 14, you see in No. 9
8 so the inaccuracy in No. 5 is that this should
9 say Precinct 14 and not Precinct 12.

10 **CHAIRMAN T. WHEELER:** Well, that's
11 already...

12 **MR. J. BOPP:** And rather than argue over
13 No. 5, No. 10 covers the same subject, we think,
14 accurately.

15 **MR. W. GROTH:** So if we change -- No. 5,
16 change --

17 **CHAIRMAN T. WHEELER:** Change 12 to 14.

18 **MR. W. GROTH:** -- 12 to 14.

19 **CHAIRMAN T. WHEELER:** They would agree with
20 you?

21 **MS. K. CELESTINO-HORSEMAN:** Because that's
22 when he was living at Pintail; correct?

23 **CHAIRMAN T. WHEELER:** Well, that's what
24 I -- that's what I thought you wrote. I had
25 originally changed mine, and it was wrong, so

1 are you comfortable changing -- agreeing to
2 stipulate to No. 5 with the change that it is
3 from Precinct 12 to Precinct 14?

4 **MR. W. GROTH:** Yes.

5 **CHAIRMAN T. WHEELER:** Petitioners -- I
6 mean, Respondents?

7 **MR. J. BOPP:** Yes.

8 **CHAIRMAN T. WHEELER:** Yes, we'll accept
9 that unless the commissioners have any other
10 concerns. All right, is that it for the
11 commissioner's side?

12 *(No response.)*

13 **CHAIRMAN T. WHEELER:** No rebuttal?

14 *(No response.)*

15 **CHAIRMAN T. WHEELER:** All right, both
16 parties have now rested. That's the close of
17 the evidentiary portion of this hearing. A
18 couple of procedural aspects. It is my
19 understanding from the director that the parties
20 will tendering proposed findings of fact and
21 conclusions of law in the order by the 24th; is
22 that correct, Mr. Palmer?

23 **MR. M. PALMER:** That's correct, close of
24 business.

25 **CHAIRMAN T. WHEELER:** And the parties --

1 we've asked the parties also to submit that
2 electronically on the version of Word so there
3 may be some cutting and pasting that may take
4 place from the commission.

5 The commissioners -- at this point we do not
6 feel like we need closing statements or any
7 addition briefing materials, but we will accept the
8 findings of fact and conclusions of law in the
9 order -- we know the parties have been a lot
10 already, and we don't want to extend the expense on
11 either side on that. We feel very comfortable with
12 where the law is on this. Anything further from
13 the commissioners?

14 *(No response.)*

15 **CHAIRMAN T. WHEELER:** Anything from
16 counsel?

17 **MS. L. VITONE:** No.

18 **MR. B. KING:** No.

19 **CHAIRMAN T. WHEELER:** Communications
20 through the director, any additional questions
21 from the parties?

22 **MS. K. CELESTINO-HORSEMAN:** I'd just like
23 the record to reflect that Mr. Groth has agreed
24 to buy me dinner tonight at St. Elmo's, so I
25 want that on the record.

1 **CHAIRMAN T. WHEELER:** Given what was done
2 to me in the 7th Circuit with Mr. Groth, he
3 probably owes me dinner, but anyway, with that,
4 I'll accept a motion to adjourn?

5 **COMMISSIONER MEMBER B. PYLITT:** So moved.

6 **COMMISSION MEMBER G. DURNIL:** Second.

7 **CHAIRMAN T. WHEELER:** Motion's made and
8 seconded, all in favor, signify by saying aye?

9 **THE COMMISSION:** Aye.

10 **CHAIRMAN T. WHEELER:** Those opposed, same
11 sign?

12 *(No response.)*

13 **CHAIRMAN T. WHEELER:** All right.

14 *(At this time the proceedings were adjourned.)*

15 *(Time noted: 3:20 p.m.)*

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1 STATE OF INDIANA)
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2 COUNTY OF MARION)

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I, Rhonda J. Hobbs, RPR, and a Notary Public and Stenographic Reporter within and for the County of Hendricks, State of Indiana at large, do hereby certify that on the 21st day of June, 2011, I took down in stenograph notes the foregoing proceedings;

That the transcript is a full, true and correct transcript made from my stenograph notes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 27th day of June, 2011.

Rhonda J. Hobbs

N O T A R Y P U B L I C

My Commission Expires:
August 24, 2017
County of Residence:
Hendricks County